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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,036	09/26/2001	John Joseph Mazzitelli	10015525-1	9901

7590 12/05/2007
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

BIAGINI, CHRISTOPHER D

ART UNIT	PAPER NUMBER
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2142

MAIL DATE	DELIVERY MODE
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12/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/964,036	Applicant(s) MAZZITELLI, JOHN JOSEPH	
	Examiner Christopher D. Biagini	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Declaration

The declaration filed on February 9, 2007 under 37 CFR 1.131 is sufficient to overcome the Wu et al. (US Patent No. 6,865,680) reference. Accordingly, the rejections based on Wu et al. have been withdrawn.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The invention of claims 8-15 may be reasonably interpreted to consist entirely of software. Absent a structurally and functionally interrelated computer-readable medium, software *per se* is not statutory subject matter. See MPEP 2106.01.

The invention of claims 16-23 is directed toward "an application," subject matter which does not fall within one of the categories of invention defined in 35 USC 101. Although the claims recite a computer-readable medium, the claimed application is not stored on the medium and therefore remains non-statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8-10, and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nilsson et al. (International Publication No. WO 99/64967, hereinafter “Nilsson”).

Regarding claim 1, Nilsson shows a method for managing state data comprising:

- identifying state data from a response structured using an Internet communications protocol to be delivered to a uniquely identifiable client enabled to communicate using the Internet communications protocol (comprising intercepting a cookie in an HTTP response from a website: see page 4, fifth paragraph);
- associating the state data with the client (comprising associating the cookie together with information regarding the URL and an identification identifying a user terminal: see page 4, fifth paragraph);
- storing the state data in a data storage area remote from the client (comprising storing the cookie on proxy server 66: see page 4, fifth paragraph); and

- delivering the response to the client (comprising allowing the user terminal to access the site: see page 4, fourth paragraph and Fig. 1, which shows that access to the site is provided through proxy 66).

Regarding claim 2, Nilsson shows the method of claim 1 as applied above, and further shows:

- receiving a request structured using the Internet communications protocol from the client (comprising a subsequent request to the site: see page 5, col. 2);
- identifying a client ID of the client (see step 205 in Fig. 2 and fourth paragraph of page 5);
- modifying the request by adding the state data from the data storage area to the request (see step 209 and sixth paragraph of page 5); and
- sending the modified request to a web server (see sixth paragraph of page 5)/

Regarding claim 3, Nilsson shows the method of claim 2 as applied above, and further shows:

- determining whether the client ID is recognized (see step 207 and fifth paragraph of page 5); and
- modifying the request by adding the state data from the data storage area to the request if the client ID is recognized (see step 209 and sixth paragraph of page 5).

Regarding claim 4, Nilsson shows the method of claim 1 as applied above, and further shows wherein the client is a wireless device (see Fig. 1 and first paragraph of Detailed Description on p. 3).

Regarding claim 5, Nilsson shows the method of claim 4 as applied above, and further shows wherein the client utilizes the Hypertext Transfer Protocol (see third paragraph of page 3).

Claims 8-10 are similar in scope to claims 1-3 and are rejected for the same reasons as applied above.

Claims 14 and 15 are similar in scope to claims 4 and 5 and are rejected for the same reasons as applied above.

Claim 16 is similar in scope to claim 1 and is rejected for the same reasons as applied above.

Claims 17 and 18 are similar in scope to claims 4 and 5 and are rejected for the same reasons as applied above.

Claims 19 and 20 are similar in scope to claims 2 and 3 and are rejected for the same reasons as applied above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 11, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson (International Publication No. WO 99/64967) in view of Kaplan et al. (US Patent No. 5,630,122, hereinafter "Kaplan").

Regarding claim 6, Nilsson shows the limitations of claim 1 as applied above, but does not show wherein the data storage area comprises a database.

Kaplan shows a database (see col. 1, lines 20-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nilsson by including a database in the data storage area in order to allow for the efficient retrieval of data.

Regarding claim 7, Nilsson shows the limitations of claim 1 as applied above, but does not show associating the state data with the client using a database.

Kaplan shows a database to associate data with individuals (see col. 1, lines 20-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nilsson by associating the state data with the client using a database in order to allow the state data to be retrieved efficiently.

Claim 11 is similar in scope to claim 6 and is rejected for the same reasons as applied above.

Claims 21 and 22 are similar in scope to claims 7 and 6, respectively, and are rejected for the same reasons as applied above.

Claims 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson (International Publication No. WO 99/64967) in view of Zhao (US Patent No. 6,944,677).

Regarding claim 12, Nilsson shows the limitations of claim 8 as applied above, but does not show wherein the application comprises one of a plurality of receivers in the server, the receivers each operable to receive and transfer messages using a unique protocol.

Zhao shows a plurality of receivers in a server, the receivers each operable to receive and transfer messages using a unique protocol (see col. 3, lines 38-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nilsson by including a plurality of receivers in the server as taught by Zhao in order to support a variety of different clients with different capabilities.

Claim 23 is similar in scope to claim 12 and is rejected for the same reasons as applied above.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson (International Publication No. WO 99/64967) in view of Gosling et al. (US Pat. No. 5,928,323, hereinafter "Gosling").

Nilsson shows the limitations of claim 8 as applied above, but does not show wherein the application comprises at least one class implemented in the Java language.

Gosling shows an application (comprising a servlet) comprising at least one class implemented in the Java language (comprising the `HttpServlet` class). See col. 5, line 55 to col. 6, line 21.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Nilsson to use Java servlets as taught by Gosling in order to provide a server application that does not have to fork a new process to handle client requests (see Gosling, col. 1, lines 43-51 and col. 6, lines 22-27).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher D. Biagini whose telephone number is (571) 272-9743. The examiner can normally be reached on weekdays from 8:30 AM to 5:00 PM..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANDREW CALDWELL
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